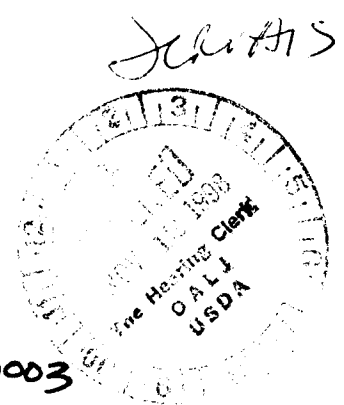


Effective 11-12-98



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) PACA Docket No. D-94 0003
)
Rick Ray Fruits and Vegetables, Inc.,)
)
Respondent)

DECISION WITHOUT HEARING BY REASON OF CONSENT

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. § 499a et seq.) (PACA). A complaint was filed alleging that Respondent willfully, flagrantly and repeatedly violated section 2(4) of the PACA (7 U.S.C. § 499b(4)) by making unlawful payments to produce buyers in order to induce the buyers to purchase produce from Respondent. The complaint alleges that these payments were made in connection with transactions involving perishable agricultural commodities from May 1996 through April 1998. The complaint requested the issuance of an order revoking Respondent's PACA license.

The parties have now agreed to the entry of a Decision Without Hearing by Reason of Consent as set forth herein. Therefore, this Decision Without Hearing by Reason of Consent is entered without further procedure or hearing pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Findings of Fact

1. Respondent, Rick Ray Fruits and Vegetables, Inc. is a corporation whose business mailing address is 3137 S. Atlantic Avenue, Suite 1, Daytona Beach Shores, Florida 32118.
2. At all times material herein, Respondent was licensed under the provisions of the PACA. License number 901659 was issued to Respondent on August 7, 1990. The license has

been renewed annually, is presently in effect, and is subject to renewal on or before August 7, 1999.

3. Respondent does not contest the allegations of the complaint and consents to the entry of this Order.

Conclusion

Respondent committed willful, flagrant and repeated violations of section 2(4) of the PACA.

Order

Respondent's PACA license is revoked.

This order shall become final upon issuance.


Copies of this order shall be served upon the parties.


Done at Washington, D.C.

this 12th of November 1998

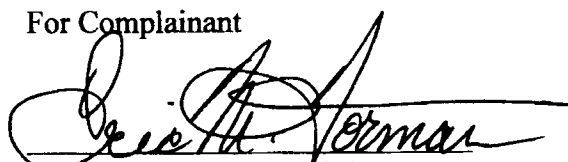

Administrative Law Judge

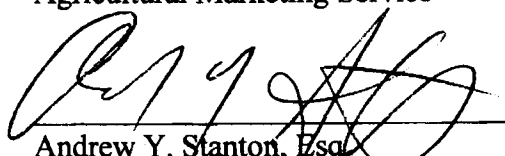
For Respondent


Rick Ray Fruits and Vegetables, Inc.


Richard L. Katz, Esq.
Attorney for Respondent

For Complainant


Associate Deputy Administrator
Fruit and Vegetable Programs
Agricultural Marketing Service


Andrew Y. Stanton, Esq.
Attorney for Complainant